

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

IN RE:) **03-10383/Chapter 12 Proceeding**
)
)
ROBERT L. HERRON and) **APPLICATION TO EMPLOY ATTORNEY**
DONNA L. HERRON d/b/a)
Piney Hill Dairy,)
)
)
Debtors.)

The debtors apply to the Court and say as follows:

1. On April 3, 2003, the debtors herein filed a Chapter 12 petition with this Court and wish to employ David G. Gray, an attorney duly admitted to practice in this Court.

2. The debtors believe that said attorney is well qualified to represent them in this proceeding and will assist by: (a) giving legal advice with respect to their powers and duties in the continued operation of their business and management of their property; (b) preparing the necessary applications, answers, orders, reports and other legal papers; and (c) performing all other legal services which may be necessary herein and it is necessary for the debtors to employ an attorney for such professional activities.

3. The named attorney has no connection with the debtors, their creditors or any other party in interest or their respective attorneys.

4. The named attorney is a disinterested person to represent the debtors and the estate.

5. The named attorney represents no interest adverse to debtors or the estate or the matters upon which he is to be engaged for debtors and his employment would be in the best interest of this estate.

THEREFORE, the debtors pray of the Court:

1. That an order be entered authorizing the appointment and employment of David G. Gray as attorney for the debtors in their Chapter 12 proceeding.

2. For such further relief deemed proper by the Court.

This the 3rd day of April, 2003.

S/ David G. Gray

**David G. Gray, Attorney for Debtors
N. C. State Bar No. 1733**

**WESTALL, GRAY, CONNOLLY & DAVIS, P.A.
81 Central Avenue, Asheville, North Carolina 28801
Tel: (828) 254-6315/Fax: (828) 255-0305**

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA**

IN RE:) **03-10383/Chapter 12 Proceeding**
)
ROBERT L. HERRON and) **AFFIDAVIT OF PROPOSED ATTORNEY**
DONNA L. HERRON d/b/a)
Piney Hill Dairy,)
)
Debtors.)

STATE OF NORTH CAROLINA

COUNTY OF BUNCOMBE

I, David G. Gray, make solemn oath that:

1. I am an attorney and counselor-at-law, duly admitted to practice in the State of North Carolina and before this Court.

2. I maintain an office for the practice of law at 81 Central Avenue, Asheville, North Carolina 28801.

3. I have no connection with the above-named debtors or their estate in the matters upon which I am to be engaged and am a disinterested person to represent the debtors and the estate.

This the 3rd day of April, 2003.

S/ David G. Gray

David G. Gray

SUBSCRIBED AND SWORN TO before me this 3rd day of April, 2003.

S/ Sherry H. Martin

Notary Public

My Commission Expires:

10/22/06

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IN RE:)	03-10383/Chapter 12 Proceeding
)	
ROBERT L. HERRON and)	O R D E R
DONNA L. HERRON d/b/a)	
Piney Hill Dairy,)	
)	
Debtors.)	

THIS MATTER COMING ON BEFORE THE COURT on application of the debtors for an order authorizing the appointment and employment of David G. Gray as attorney for the debtors in this Chapter 12 proceeding:

IT APPEARING that the Chapter 12 petition was filed on April 3, 2003 and in the course of these proceedings other documents will need to be filed by the debtors which require the assistance of an attorney;

IT APPEARING that said attorney, David G. Gray, has no connection with the debtors, their creditors or any parties in interest or their respective attorneys and represents no interest adverse to the debtors or their estate and is a disinterested person to represent the debtors and the estate;

IT APPEARING that said attorney, David G. Gray, is duly admitted to practice in this Court.

THEREFORE, IT IS ORDERED that the debtors be and they are hereby authorized to appoint and employ David G. Gray as their attorney in this proceeding.

This the 3rd day of April, 2003.

GEORGE R. HODGES
Bankruptcy Judge Presiding